

REMARKS

Applicants respectfully request reconsideration of the present application for at least the reasons set forth below.

Claims 3, 4, 6, 8, and 19 stand rejected under § 101 as being directed to non-statutory subject matter. The claims have been amended as suggested by the Examiner, rendering this rejection moot. The Examiner's suggestion in this regard is appreciated.

Claims 1-9, 15, 16, and 19-23 are rejected as unpatentable over Akerfeldt in view of Van Tassel.

Claims 1-4, 6, 8, and 10-23 stand rejected as unpatentable over Akerfeldt in view of Torgerson.

These rejections are respectfully traversed, for at least the reasons set forth below.

As discussed in the first paragraph under "Detailed description of the preferred embodiments" in the present specification, the present invention is directed to preventing or reducing secondary bleeding, also referred to as oozing, into an incision canal. For example, in respect to the Figure 2 embodiment, the invention is directed to preventing secondary bleeding or oozing into incision canal 17. The primary bleeding, that is bleeding due to a hole in blood vessel wall 15, is prevented by sealing element 12 and locking element 14.

In the response to arguments, the office action states that substances having haemostatic properties are useful for controlling bleeding. The Applicants do not disagree with this statement.

However, the next phrase in the response to arguments states that the teachings of Van Tassel and Torgerson "are quite relevant to the vessel wall sealing device disclosed in Akerfeldt" without citing any rational, motivation, teaching, or suggestion in the prior art for using a haemostatic device to control secondary bleeding, as claimed. None of the prior art addresses the problem of secondary bleeding so there would have been no reason to look to Van Tassel or Torgerson at all.

Furthermore, if Van Tassel were combined with Akerfeldt, the claimed invention would not result. The invention of claim 1 requires a sealing element (such as sealing element 12 in Figure 2), an outer member (such as outer member 14 in Figure 2), and an elongated member (such as elongated member 13 in Figure 2), wherein the elongated member is connected to both the sealing element and the outer member and is configured to extend through the incision canal to hold together the sealing element and the outer member, the elongated member comprising haemostatic material. In contrast to the claimed elongated member which comprises haemostatic material, the haemostatic material of Van Tassel is injected through a catheter, as discussed in column 8, lines 1-12. The primary structure of the Van Tassel arrangement, membrane 40, is coated with an anticoagulant, that is a substance which is the opposite of a haemostatic material. Thus, if anything, Van Tassel teaches coating structural members with an anticoagulant, not coating an elongated member with a haemostatic material, which is a coagulant.

Torgerson is even farther removed from Van Tassel because Torgerson is directed to methods of making collagen fibers and fabrics. It appears from the last full paragraph of column 10 of Torgerson that the fibers and fabrics are intended primarily to be placed in surface contact with various tissues for up to 20 minutes and then removed. This is in contrast to the present invention wherein the elongated member is implanted in the incision canal and left in place.

Also, Torgerson does not appear to discuss the mechanical properties of its fibers and fabrics, and there is no indication that Torgerson's fibers would be suitable (for example strong enough, does not disintegrate too fast etc.) to serve as an elongated member to hold a sealing element and an outer member in place. Also, in Torgerson, it appears that the entire fiber length is haemostatic. Using Torgerson's fiber for Akerfeldt's suture 6 would result in haemostatic material being introduced in the blood vessel 20 as is clear from Figures 1 and 2 of Akerfeldt. Introduction of haemostatic material into a blood vessel could cause blood clots and other serious problems. Therefore, one of skill in the art would not use Torgerson's fiber in Akerfeldt's device.

Thus, the prior art does not provide a rationale, teaching, suggestion, or motivation to provide the claimed arrangement of a sealing element, an outer member, and an elongated member which holds the sealing element and outer member together, wherein the elongated member comprises haemostatic material configured to introduce the haemostatic material into the incision canal to reduce secondary bleeding, as claimed in claim 1. Similar reasoning applies to claims 15 and 23 (it is noted that claim 15 however does not recite the outer member).


It is thus respectfully submitted that the present claims are patentable over the art of record.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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